

Wetlands Bureau Decision Report

Decisions Taken
12/26/2005 to 01/01/2006

DISCLAIMER:

This document is published for information purposes only and does not constitute an authorization to conduct work. Work in jurisdiction may not commence until the applicant has received a posting permit.

Decisions are subject to appeal, and are reviewed by the federal agencies for compliance with Section 404 of the Federal Clean Water Act.

APPEAL:

I. Any affected party may ask for reconsideration of a permit decision in accordance with RSA 482-A:10,II within 20 days of the Department's issuance of a decision. Requests for reconsideration should:

- 1) describe in detail each ground for complaint. Only grounds set forth in the request for reconsideration can be considered at subsequent levels of appeal;
- 2) provide new evidence or information to support the requested action;
- 3) Parties other than the applicant, the town, or contiguous abutters must explain why they believe they are affected; and
- 4) Be mailed to the DES Wetlands Bureau, PO Box 95, Concord, NH 03302-0095.

II. An appeal of a decision of the department after reconsideration may be filed with the Wetlands Council in accordance with RSA 482-A:10, IV within 30 days of the department's decision. Filing of the appeal must:

- 1) be made by certified mail to Brian Fowler, Chairperson, Wetlands Council, PO Box 95, Concord, NH 03302-0095 (a copy should also be sent to the DES Wetlands Bureau);
- 2) contain a detailed description of the land involved in the department's decision; and
- 3) set forth every ground upon which it is claimed that the department's decision is unlawful or unreasonable.

MAJOR IMPACT PROJECT

2004-02615 MARSHFIELD REALTY TRUST
WOLFEBORO Unnamed Wetland

Requested Action:

Approve name change to: Wolfe Property Holdings Inc., PO Box 361, Wolfeboro NH 03894 per request received 12/28/2005.

Conservation Commission/Staff Comments:

The Wolfeboro Conservation Commission has no objection provided the applicant provides adequate mitigation for the proposed impacts.

APPROVE NAME CHANGE:

Retain 1025 square feet of previously filled wetland and dredge and fill 22,895 square feet of palustrine forested wetland for access in the subdivision of 74.14 acres into 24 single family lots. Mitigate for the proposed impacts by preserving 7.53 acres off site via conservation easement.

With Conditions:

1. All work shall be in accordance with plans by Norway Plains Associates Inc dated September 2004, and revised through January 26, 2005, as received by the Department on February 14, 2005, and Subdivision Plans by Norway Plains Associates Inc dated May 2004, and revised through May 2004 and as received by the Department on June 29, 2005.
2. This permit is contingent on approval by the DES Site Specific Program.
3. This permit is contingent on approval by the DES Subsurface Systems Bureau.
4. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
5. The deed which accompanies the sales transaction for each of the lots in this subdivision shall contain condition #4 of this approval.
6. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau.
7. At least 48 hours prior to the start of construction, a pre-construction meeting shall be held with NHDES Land Resources Management Program staff at the project site or at the DES Office in Concord, NH to review the conditions of this wetlands permit and the NHDES Site Specific Permit. It shall be the responsibility of the permittee to schedule the pre-construction meeting, and the meeting shall be attended by the permittee, his/her professional engineer(s), wetlands scientist(s), and the contractor(s) responsible for performing the work.
8. Work shall be done during low flow.
9. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
10. Appropriate siltation/erosion controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized.
11. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
12. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
13. Proper headwalls shall be constructed within seven days of culvert installation.
14. Culvert outlets shall be protected in accordance with the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
15. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
16. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
17. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.

18. Silt fencing must be removed once the area is stabilized.
19. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).

Mitigation Conditions:

1. This permit is contingent upon the execution of a conservation easement on 7.53 acres as depicted on plans received June 29, 2005.
2. The conservation easements to be placed on the preservation areas shall be written to run with the land, and both existing and future property owners shall be subject to this easement.
3. The plan noting the conservation easement with a copy of the final easement language shall be recorded with the Registry of Deeds Office for each appropriate lot. A copy of the recording from the County Registry of Deeds Office shall be submitted to the DES Wetlands Bureau prior to the start of construction.
4. Signs to indicate the location of and restrictions on the area shall be posted every 150 feet along the boundary of the conservation area prior to construction.
5. The applicant shall prepare a report summarizing existing conditions within the conservation area. Said report shall contain photographic documentation of the easement area, and shall be submitted to the DES and the grantee prior to construction to serve as a baseline for future monitoring of the easement area.
6. The conservation easement area shall be surveyed by a licensed surveyor, and marked by monuments [stakes] prior to construction.
7. The Wetlands Bureau shall be notified of the placement of the easement monuments to coordinate on-site review of their location prior to construction.
8. There shall be no removal of the existing vegetative undergrowth within the easement area and the placement of fill, construction of structures, and storage of vehicles or hazardous materials is prohibited.
9. Activities in contravention of the conservation easement shall be construed as a violation of RSA 482-A, and those activities shall be subject to the enforcement powers of the Department of Environmental Services (including remediation and fines).

With Findings:

1. This permit transfer is issued in accordance with NH Administrative Rule Wt 502.02.

2005-00558 NEWFOUND LAKE MARINA INC
HEBRON Newfound Lake

Requested Action:

Appellant requests reconsideration and denial of the November 9, 2005 decision to approve dredging, reconfiguration, and upgrade of an existing marina which will provide 95 slips within a previously dredged inlet off the Cockermouth River in Hebron.

DENY RECONSIDERATION:

Reconsider and reaffirm approval of request to: Dredge 1,152 cu yd from 9,600 sq ft, completely remove 2,040 sq ft building from public waters, construct 1,084 linear ft of retaining wall, and reconfigure and upgrade docking facilities within an existing marina resulting in a reduction in the number of slips provided from 111 to 95 within a previously dredged inlet off the Cockermouth River in Hebron.

With Findings:

Grounds for Reconsideration

1. The Appellant maintains that the Wetlands Bureau has incorrectly interpreted and applied the Wetlands Program Rules, and ignored the precedent set by its predecessor, the Wetlands Board, in its decision to approve the current marina facilities on July 19, 1989, and approved an excessive number of slips on the frontage.
2. The Appellant maintains that the Board reviewed the number of slips provided by the marina relative to the amount of frontage owned by the Applicant at that time, correctly limited the number of slips to 111 based on the amount of frontage owned by the

applicant, and prohibited future expansion on the facilities. As evidence of the Board's review and intent the Appellant cites language found on the plan of the facility recorded at the Grafton County Registry of deeds on May 22, 1990, and in the Board's decision and declaratory ruling stating "that these slips constitute the sum of the legally approved slips. There shall be no slips outside of the area shown."

3. The Appellant maintains that the Bureau approved 4 times the number of slips that would be approved on the frontage if the exception outlined in Rule Wt 402.17 were not used and that its decision is excessive and a misapplication of the Rule.
4. The Appellant requests clarification of the impact the approval of the project as proposed would have on the Appellant's ability to obtain a permit for docking facilities on frontage obtained by the Appellant, from the Applicant.
5. The Appellant maintains that the change in use of the facility from a publicly available marina to a private club would be a violation of the Wetlands Program Rules.
6. The Appellant maintains that the Applicant intends to convert the facility to a private club and that this proposed change in use would prevent the use of the marina design standards regarding allowable slip density.
7. The Appellant maintains that Condition 8 requiring that the facility be maintained indefinitely as a publicly available facility and Finding 7 that this approval shall not be interpreted as acceptance or approval of any future change in use of the facilities are contradictory and requests clarification.
8. The Appellant requests clarification of which services provided by commercial facility must be publicly available in order for that facility to meet the definition of "Marina" as outlined in Rule Wt 101.50.
9. The Appellant maintains that the mouth of the existing dredged inlet will require future dredging and that the future dredging should be included and reviewed with the current proposal to reconfigure and dredge the marina.
10. The Appellant maintains that the project as approved will result in an increased need for dredging at the mouth of the inlet as a greater number of individuals would be negatively impacted if the dredging were prohibited.
11. The Appellant further maintains that the increased financial investment associated with the project as approved will result in an increased need for dredging at the mouth of the inlet.
12. The Appellant maintains that the permit should include specific dates identifying the start and close of the drawn down period.
13. The Appellant suggests that the property is of insufficient size to stockpile the dredge materials without being within 20 ft of property lines and requests that specific stockpile locations be identified to ensure that the 20 ft restriction outlined in Condition 11 is not violated.
14. The Appellant requests clarification that the approval does not authorize the placement of fill within surface waters for the purpose of maintaining the 20 setback.
15. The Appellant maintains that Condition 12 is not sufficient to address the requirements of Rule Wt 304.04, Setback From Property Lines, should be expanded to include upland impacts associated with proposed parking areas, and should require that the parking be relocated to avoid encroach on the 20 ft setback to property lines.
16. The Appellant maintains that surface run-off from parking areas will have a detrimental effect on the Appellant's property.
17. The Appellant maintains that the approval should be amended to require the Applicant hire an independent erosion control specialist to ensure the Conditions 14, 15, and 16 are not violated.

Standards for Approval

1. This project is classified as a Major project per Rule Wt 303.02 (d), Modification of a major docking facility.
2. In accordance with RSA 482-A:2, VIII, on water bodies of 10,000 acres or less, a boat slip is a volume of water 20 ft long, 6 ft wide, and 3 ft deep as measured at the normal high water mark and located adjacent to a structure to which a watercraft may be secured.
3. In accordance with Rule Wt 101.25, Boat slip, as in effect in 1989, a slip is defined as an area of water 20 ft long and at least 2 ft deep measured at normal full lake and located adjacent to a structure in jurisdiction to which a watercraft may be secured.
4. In accordance with RSA 482-A:3, XIII, (a), all boat docking facilities shall be at least 20 ft from an abutting property line in non-tidal waters.

Findings of Fact

1. The Applicant is the owner of record of an existing marina providing 111 slips on property identified as Hebron Tax Map 17A, Lot 17A-5-1, (the "Property").
2. On November 9, 2005, the Wetlands Bureau approved the Applicant's request to dredge 9,600 sq ft, remove a 2,040 sq ft building from public waters, construct 1,084 linear ft of retaining wall, and reconfigure and upgrade docking facilities within the marina resulting in a reduction in the number of slips provided from 111 to 95.

3. On January 30 1987, the Wetlands Board received an application for dredge within the existing inlet and the placement of fill within wetlands to provide parking for patrons of the existing marina. No expansion or modification of the existing docking facilities was requested
4. On June 9, 1987, the Wetlands Board approved the request to "Dredge to widen channel and construct parking." No modification or expansion of the docking facilities was considered or approved.
5. On November 6, 1987, the Wetlands Board received a complaint from the Appellant stating that the Applicant was securing boats to stakes driven into the bank adjacent to the dredge area and that these "bank slips" constituted an illegal expansion of the existing marina.
6. On July 19, 1989, following public hearing and an investigation by DES staff, the Wetlands Board issued a Declaratory Ruling in response to the allegations made by the Appellant.
7. The Declaratory Ruling contained the following rulings:
 - a. Bank slips, as utilized by the Newfound Lake Marina are within jurisdiction of the Wetlands Board in that stakes are driven in waters of the state on a seasonal basis, and those stakes constitute a "structure" in the same sense that a permanent piling does.
 - b. Bank slips have been historically used in the basin adjacent to the marina and that this use may continue.
 - c. That this use is limited to the basin area, and does not extend to the channel, the river, or the lake.
 - d. That no additional docking can be utilized on the other frontage of the Newfound Marina except by new application approved by the Wetlands Board and further by the Governor and Council under RSA 483-A:1, I.
 - e. That Newfound Marina has provided the Board with a surveyed plan received April 5, 1989, showing the proposed location of all bank slips.
 - f. That the Board's ruling is for 75 bank slips not 78 as proposed, and deletes the slips designated as #48, 49, and 50 on the plan received April 5, 1989.
 - g. That Newfound Marina shall provide a revised plan within 10 days which represents the above approval and which shall:
 1. Include a notation that "that these slips constitute the sum of the legally approved slips. There shall be no slips outside of the area shown."
8. In addition the Board made the following findings.
 - a. That numbers of historically utilized slips have not been established by either Newfound Lake Marina or by the complaining abutter.
 - b. That 75 bank slips is of the historic use at this site.
 - c. That the area of this established historic usage is limited, and does not extend beyond the bend where the channel enters the basin.
 - d. That structures or moorings in the channel would constitute a clear hazard to navigation.
 - e. That the number of slips in the basin area exceeds that which would be allowed under the current rules.
 - f. That the survey required by ruling "g" will provide a base line to guide any future wetland rulings concerning this property.
9. The Board did not impose any condition on the facility in its decision dated June 9, 1987 or in its Declaratory Ruling dated July 19, 1989 requiring the applicant maintain the facility indefinitely as a publicly available facility.
10. The Board not apply the marina design criteria in its review in of the property in 1989 as no new slips or expansion was requested.
11. The Board did not approve the docking facilities as shown on the plan. The Board approved a plan that documented what the Board found to be the historic, legally existing structures on the frontage.
12. The time and duration of drawdown is determined and announced annually by the NH DES Dam Safety Bureau.

Rulings in Support of the Decision

1. The Board's review of the docking facilities between November 6, 1987 and July 19, 1989 was limited to the determination of what structures were legally existing not whether those structures met the rules in place for the permitting of new structures at that time, therefore the Appellant's assertion that the Bureau is ignoring the precedent set by the Board for the review and permitting of slip density, under Rule Wt 402.17, in its approval of the facilities on July 19, 1989 is unfounded.
2. The Appellant's assertion that the plan note required by the Board in Ruling "g" of its Declaratory Ruling limited the number of slips on the frontage and prohibited future expansion is incorrect as evidenced by Ruling "d" and Finding "f" outlined in that same document.
3. The project as approved will not provide any additional slips on the frontage and therefore the Appellant's assertion that the Bureau has exceeded and misapplied its authority under Rule Wt 402.17 by approving 4 times the allowable number of slips on the frontage is unfounded.
4. The frontage owned by the Appellant was not included in any calculation by the Board or the Bureau to determine a maximum

number of slips which may be permitted within the Applicant's property, therefore, decision of the Bureau to approve this project will not have any bearing on the number of slips which may be permitted on the frontage owned by the Appellant. However, it should be noted that any future proposal for docking facilities on the Appellant's frontage should address the Wetlands Board's July 19, 1989 finding "That structures or moorings in the channel would constitute a clear hazard to navigation."

5. While the existing facility does meet the current definition of a "Marina" as outlined in Rule Wt 101.50, neither the Board's decision to recognize the structures as legally existing nor the current decision to allow the reconfiguration of the facilities, without expansion, was dependent upon meeting the definition of "Marina".

6. There is no evidence that the existing facilities were subject to the marina design standards established within Rule Wt 402.17 or Rule Wt 101.50 at the time of construction and no condition requiring that the facilities be maintained indefinitely as publicly available was imposed by the Board in it's action dated June 9, 1987 or in it's Declaratory Ruling dated July 19, 1989, therefore, the Bureau's retroactive application of the current marina criteria, as found in Condition 8, to a request for reconfiguration of facilities, without expansion, was unreasonable. The Bureau's decision to approve this project shall be amended to remove Condition 8.

7. The need to dredge this mouth of the inlet is dependent solely upon whether or not the area is navigable. The number of individuals involved and economic value of the property within the basin have no bearing on the need for future dredging therefore the Bureau reaffirms Findings 12 and 13 of the original decision issued November 9, 2005.

8. The dates identifying the start and close of the drawn down periods during the duration of the permit have not yet been established and therefore shall not be specified in the Approval Conditions.

9. The Conditions of the permit as approved specifically require that no fill shall be placed in jurisdictional areas or within 20 feet of the property lines. The identification of specific stockpile areas is not necessary for compliance with the Conditions as approved.

10. Condition 12 addresses the requirement of RSA 482-A:3, XIII, not Rule Wt 304.04. There are no impacts to wetlands within 20 ft of abutting property lines therefore Rule Wt 304.04 is not applicable.

11. Issues pertaining to surface run-off from impacts to upland areas of the property are regulated by the Alteration of Terrain Bureau and shall be address under Alteration of Terrain Application 20050411-01.

12. The Bureau has not received any evidence that would justify requiring the Applicant to hire an independent erosion control specialist to oversee the construction activities on a daily basis, therefore the Appellant's request to amend Conditions 14, 15, and 16 is denied.

-Send to Governor and Executive Council-

2005-01815 SEACOAST NEWSPAPERS
STRATHAM Unnamed Wetland

Requested Action:

Dredge and fill a total of 30,875 sq. ft. of previously impacted palustrine forested/ scrub-shrub wetlands and including filling an existing 14,400 sq. ft. man-made fire pond (to be replaced with a 30,000 gallon fire suppression cistern) for commercial lot development for a 14,174 sq. ft. retail building with appurtenant parking, drainage structures and landscaping.

Conservation Commission/Staff Comments:

No report received from the Stratham Conservation Commission.

Inspection Date: 09/15/2005 by Frank D Richardson

APPROVE AMENDMENT:

Dredge and fill a total of 30,875 sq. ft. of previously impacted palustrine forested/ scrub-shrub wetlands and including filling an existing 14,400 sq. ft. man-made fire pond (to be replaced with a 30,000 gallon fire suppression cistern) for commercial lot development for a 14,174 sq. ft. retail building with appurtenant parking, drainage structures and landscaping.

With Conditions:

1. All work shall be in accordance with plans by Jones & Beach Engineers, Inc. dated 1/3/05, as received by the Department on August 05, 2005.
2. Any future work on this property that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will

require a new application and approval by the Bureau.

3. This permit is contingent on approval by the DES Subsurface Systems Bureau.
4. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
5. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
6. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
7. DES wetlands Bureau Southeast Region staff shall be notified in writing prior to commencement of work and upon its completion.

Compensatory Wetlands Mitigation:

1. Mitigation for 30,875 sq. ft. of wetlands impacts associated with this project have been compensated for by the previously established private mitigation bank referenced as NH DES Wetlands Bureau file #1999-02014, Squamscott Road Mitigation Credit Proposal, approved October 6, 1999.
2. Under this agreement, 6 acres of mitigation credit are established for use on a 1:1 basis for unavoidable impacts by the Parsonage Hill Development Corporation of which Realty Aquisitions, LLC is a successor company.
3. For the current project, 30,875 sq. ft. (0.71 acres) is withdrawn from the available 6.0 acre mitigation credit leaving a balance of 5.29 acres.

With Findings:

1. This is a major impact project per Administrative Rule Wt 303.02(c), alteration of nontidal wetlands, nontidal surface waters and banks adjacent to nontidal surface waters in excess of 20,000 square feet in the aggregate.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(a), Requirements for Application Evaluation, has been considered in the design of the project.
5. DES Staff conducted a field inspection of the proposed project on September 15, 2005. Field inspection determined this is a previously impacted highly urbanized site location with relatively low value wetlands providing minimal wetland functions and values.
6. The impacts for this project are compensated for by wetland mitigation credits authorized by the DES as a mitigation bank under file #1999-02014, Squamscott Road Mitigation Credit Proposal, dated October 6, 1999. A 57 acre tract of land bordering the Squamscott River of which 35.5 acres are upland is held in a conservation easement in perpetuity.
7. Letter dated December 14, 2005 from Casassa and Ryan, Attorneys at Law, fax copy received by the Department on December 15, 2005, certifies that Realty Acquisitions, LLC is the successor to Parsonage Hill Development Corporation and has had continuity of interest ownership relative to the wetland banking credits.
8. The public hearing is waived with the finding that the project impacts will not significantly impair the resources of this palustrine wetland ecosystem.

MINOR IMPACT PROJECT

2005-00506 VICKOWSKI, GREGORY
ALTON Lake Winnepesaukee

Requested Action:

Amend permit to change dock to seasonal construction, and change permanent deck supports to crib instead of piles.

Conservation Commission/Staff Comments:

Con Com questions length and the PWC lifts are not shown on the plans

APPROVE AMENDMENT:

Amend permit to read: Permanently remove an existing 12 ft by 3 ft 5 in wharf along the shoreline, remove an existing 12 ft by 4 ft piling pier and install a 21 ft 6 in by 4 ft seasonal dock, repair a 14 ft by 12 ft deck over the water, install a seasonal boatlift with a 9 ft by 27 ft seasonal canopy in the southern slip, install one 3 piling ice cluster at the end of the dock, and install two PWC lifts to the south of the deck on an average of 100 ft of shoreline on Lake Winnepesaukee, Alton.

With Conditions:

1. All work shall be in accordance with plans by Watermark Marine Construction dated February 26, 2005, revision date December 12, 2005, as received by the Department on December 20, 2005.
2. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to construction.
3. This permit to replace or repair existing structures shall not preclude the Department of Environmental Services from taking any enforcement action or revocation action if the Department of Environmental Services later determines that these "existing structures" were not previously permitted or grandfathered.
4. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, maintained during construction, and shall remain until the area is stabilized.
5. Additional expedited minimum impact applications shall be accepted for the subject property for a period of 12 months only if the applicant demonstrates by plan that the additional project(s) are wholly unrelated or separate from the original application and when considered with the original application are not classified as minor or major.
6. Repair shall maintain existing size, location and configuration.
7. This permit does not allow for any dredging of the lakebed for boat slips.
8. Work authorized shall be carried out such that discharges in spawning or nursery areas during spawning seasons shall be avoided, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.
9. Work shall be carried out in a time and manner such that disturbance to migratory waterfowl breeding areas and spawning areas shall be avoided.
10. Canopies shall be of seasonal construction type with a flexible fabric cover which shall be removed for the non-boating season.
11. PWC lifts shall be removed for the non-boating season.
12. The seasonal boatlift shall be of seasonal construction type which shall be removed for the non-boating season.
13. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This is a minor impact project per Administrative Rule Wt 303.03(d), construction of a docking system that exceeds the design criteria of Wt 402.01.
2. NH NHI and NH Fish and Game will not be submitting comments.
3. The agent for the applicant submitted a statement to the file stating the presence of ledge prevents the driving of piles in the areas needed, thus justifying the need for the cribs.

2005-02083

COMEAU, JOHN/OLIVIA

PELHAM Unnamed Wetland

APPROVE PERMIT:

Dredge and fill 13,320 square feet of forested, scrub shrub and emergent wetlands for access to a 25 lot subdivision of which 4 lots are preservation land. Work includes installation of six access road culvert crossings and associated grading, roadway slope grading and filling of a previously constructed treatment swale. The applicant is providing wetland impact mitigation consisting approximately 38 acres of preservation land that includes 15.24 acres of uplands and 22.39 acres of wetlands, vernal pool easements on lots 10-10-11 and 10-10-12, and an amphibian crossing tunnel and an amphibian diversion walls connecting lots 10-10-11 and 10-10-12 to preservation lot 10-10.

With Conditions:

1. All work shall be in accordance with plans by Jones & Beach Engineers, Inc., revision date November 22, 2005, existing condition plans revision date October 25, 2005, as received by the Department on November 28, 2005 and narratives prepared by West Environmental Inc., as received by the Department on September 2, 2005 and November 28, 2005.
2. This permit is contingent on approval by the DES Site Specific Program.

3. This permit is contingent on approval by the DES Subsurface Systems Bureau.
4. This permit is contingent on review and approval, by the Department, of a final stream diversion/erosion control plan for installation of the box culvert at "Wetland Impact #6". Those plans shall detail the timing and method of stream flow diversion during construction, and show temporary siltation/erosion/turbidity control measures to be implemented.
5. Native material removed from the streambed during installation of the box culvert at Wetland Impact #6, shall be stockpiled separately and reused to emulate a natural channel bottom within the culvert. Any new materials used must be similar to the natural stream substrate and shall not include angular rip-rap.
6. Post-construction photographs of all culvert crossings including photographs of inlets and outlets shall be submitted for review and approval by the Department within 60 days of the completion of construction.
7. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
8. The deed which accompanies the sales transaction for each of the lots in this subdivision shall contain condition #7 of this approval.
9. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau.
10. At least 48 hours prior to the start of construction, a pre-construction meeting shall be held with NHDES Land Resources Management Program staff at the project site or at the DES Office in Concord, NH. to review the conditions of this wetlands permit and the NHDES Site Specific Permit. It shall be the responsibility of the permittee to schedule the pre-construction meeting, and the meeting shall be attended by the permittee, his/her professional engineer(s), wetlands scientist(s), and the contractor(s) responsible for performing the work.
11. Work shall be done during low flow.
12. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
13. Silt fencing must be removed once the area is stabilized.
14. Orange construction fencing shall be placed at the limits of construction adjacent to wetlands or surface waters to prevent accidental encroachment on wetlands.
15. Proper headwalls shall be constructed within seven days of culvert installation.
16. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
17. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
18. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.
19. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
20. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).

Wetland and Upland preservation:

21. This permit is contingent upon preservation of approximately 38 acres (15.24 upland and 22.39 wetlands) through Town ownership and a warranty deed as depicted by plans and narratives received by the department on November 28, 2005 and narratives received on September 2, 2005.
22. The final deed language to be placed on the preservation areas shall be written to run with the land, and both existing and future property owners shall be subject to this easement.
23. The plan noting the preservation areas with a copy of the final language shall be recorded with the Registry of Deeds Office for each appropriate lot. A copy of each recording from the County Registry of Deeds Office shall be submitted to the DES Wetlands Bureau prior to the start of construction.
24. The Wetlands Bureau shall be notified of the placement of the preservation area by plaques or monuments to coordinate on-site review of their location prior to construction.
25. There shall be no removal of the existing vegetative undergrowth within the preservation areas and the placement of fill, construction of structures, and storage of vehicles or hazardous materials is prohibited.
26. The cutting or removal of standing trees within the preservation areas shall not be allowed except if there is an imminent threat to person or property. In addition, forest management shall be carried out in accordance with best management practices.

27. The deed language for lots 10-10-11 and 10-10-12 depicted on plans received November 28, 2005 that prohibits disturbance to the vernal pool and surrounding vegetation shall be submitted to DES prior to sale of those lots.
28. The amphibian tunnel and directional walls between preservation area C on lot 10-10 and lots 10-10-12 shall be constructed prior to sale of the affected lots.
29. A qualified professional shall oversee the construction of the amphibian tunnel and directional walls.
30. A post construction report on the amphibian passage structures shall be submitted to DES following completion of the structures.
31. Monitoring the effectiveness of the amphibian passage structures shall be carried out by a qualified professional for two breeding seasons following stabilization of the area. The report to be submitted to the department for review shall document whether the pool continues to be used by amphibians and the number of egg masses present each breeding season.
32. Activities in contravention of the conservation easement shall be construed as a violation of RSA 482-A, and those activities shall be subject to the enforcement powers of the Department of Environmental Services (including remediation and fines).

With Findings:

1. This is a minor impact project per Administrative Rule Wt 303.03(h), alteration of less than 20,000 square feet of nontidal wetlands, nontidal surface waters, or banks.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
5. The applicant conducted an alternatives analysis for the 25 lot subdivision. The revised 25 lot subdivision proposal reduced the building lots to 21 with 4 lots of preservation land, reduced roadway width to 22 feet, utilized existing wood roads, proposal of a 6 foot x 4 foot box culvert and utilizes 2 to 1 roadway side slopes. The alternative proposal reduced the impacts to wetlands by approximately 7,900 square feet.
6. The applicant has provided wetland impact mitigation consisting of preservation of approximately 38 acres of land (15.24 acres of uplands and 22.39 acres of wetlands) within and adjacent to the proposed subdivision. The mitigation proposal also includes vernal pool easements on lots 10-10-11 and 10-10-12 and construction of an amphibian crossing tunnel and amphibian diversion walls that connect the vernal pool easement area to the large portion of the preservation land and vernal pool on lot 10-10.
7. The mitigation proposal meets and exceeds the minimum compensatory mitigation ratios in accordance with New Hampshire Code of Administrative Rule Wt 803.05.
8. The Pelham Conservation Commission is in favor of accepting the 38 acres of preservation land.
9. The Town of Pelham will have ownership of the preservation areas by warranty deed.
10. The Louis Berger Group, Inc. (Berger), completed a review for the Town of Pelham of an Environmental Impact Analysis (EIA) study prepared by West Environmental, Inc., dated August 2005, subdivision plans by Jones & Beach Engineers, Inc., dated October 10, 2005, a response to comments letter from West Environmental Inc., dated October 13, 2005, an Environmental Transaction Screen document prepared by Exeter Environmental, Inc., and draft Conservation Deed Restriction language.
11. Berger concluded in a letter to the Town of Pelham, dated October 17, 2005 that in general the EIA had been prepared with care and utilized good environmental planning practices. Additionally, several issues were discussed with West Environmental Inc., and were resolved in the project revisions. Berger stated that "We believe these modifications to the project design, open space and other mitigation strategies substantially enhances the long-term protection of important natural features of the site and have no further recommendations."
12. The applicant has revised the proposed project to address comments and input from the Town of Pelham Planning Board and Conservation Commission.
13. The Pelham Planning Board has approved the project.
14. The New Hampshire Fish & Game Department did not comment on the proposed project.
15. The New Hampshire Natural Heritage Bureau reviewed their database and found no recorded occurrences of sensitive species near the proposed project area.

2005-02173 ROSHIA, ROBERT & ALEXIS
FRANKLIN Unnamed Wetland

Requested Action:

Dredge and fill 7490 square feet of wet meadow and palustrine forested wetland for access in the subdivision of approximately 79 acres into 20 single family residential lots.

Conservation Commission/Staff Comments:

Please see the findings.

APPROVE PERMIT:

Dredge and fill 7490 square feet of wet meadow and palustrine forested wetland for access in the subdivision of approximately 79 acres into 20 single family residential lots.

With Conditions:

1. All work shall be in accordance with plans by Lepene Engineering and Surveying dated August 24, 2005, and revised through August 30, 2005 as received by the Department on September 16, 2005.
2. This permit is contingent on approval by the DES Site Specific Program.
3. This permit is contingent on approval by the DES Subsurface Systems Bureau.
4. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
5. The deed which accompanies the sales transaction for each of the lots in this subdivision shall contain condition #4 of this approval.
6. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau.
7. At least 48 hours prior to the start of construction, a pre-construction meeting shall be held with NHDES Land Resources Management Program staff at the project site or at the DES Office in Concord, NH to review the conditions of this wetlands permit and the NHDES Site Specific Permit. It shall be the responsibility of the permittee to schedule the pre-construction meeting, and the meeting shall be attended by the permittee, his/her professional engineer(s), wetlands scientist(s), and the contractor(s) responsible for performing the work.
8. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
9. Work shall be done during no flow.
10. Appropriate siltation/erosion controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized.
11. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
12. Proper headwalls shall be constructed within seven days of culvert installation.
13. Culvert outlets shall be protected in accordance with the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
14. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
15. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
16. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.
17. Silt fencing must be removed once the area is stabilized.
18. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).

With Findings:

1. This is a minor impact project per Administrative Rule Wt 303.03(h), projects involving less than 20,000 square feet of alteration in the aggregate in nontidal wetlands, nontidal surface waters, or banks adjacent to nontidal surface waters which exceed the criteria of Wt 303.04(f).
2. The impact areas are for reasonable access to the lot.
3. The City of Franklin requires two access points for public safety.
4. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.

5. The applicant has redesigned the subdivision per DES suggestion in the prior file.
6. The applicant has avoided the higher quality wetland and perennial stream, and placed them into open space.
7. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
8. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
9. DES Staff conducted a field inspection of the proposed project on June 5, 2004. Field inspection determined the wetlands were difficult to identify, many were indiscernible from upland areas, the proposed driveway crossing on lot 13 will not impact wetlands if installed per plan.
10. DES has received correspondence from NH Fish and Game stating that they do not expect impacts to the endangered Brook Floater (*Alasmodonta varicosa*), provided that every effort is made to prevent sediment and construction debris from entering into streams or wetlands.
11. DES has received a letter of concern from the abutter on Tax Map 121, lot 001 located to the south of the proposed development. The abutter is concerned that the proposed development will change the natural flow of water onto his lot and decrease the wetlands located on his property. The drainage report supplied by the engineer states "there is a slight decrease to the north and west sides of the site and a minimal increase at the remaining point to the south". Thus, the drainage report indicates that the proposed development will not dry up this abutters wetlands.
12. The Upper Merrimack River Local Advisory Committee has requested that the Conservation Zone be clearly called out on all the deeds. This project does not require mitigation and therefore DES has no authority to require this.
13. This project requires an Alteration of Terrain permit who will review stormwater conveyance and storage infrastructure.
14. The wetland crossing details are clearly indicated on the wetland impact area sheets, and the wetland overview sheet therefore it would be redundant to require it on sheet N-1 as well.
15. The conservation commission has stated concerns that the wetlands will be further impacted DES has placed a condition that there be no further impacts to the wetlands within the subdivision and these be incorporated into the deed for each lot along with the copy of the subdivision illustrating the wetland areas.
16. The applicant has provided a signed plan from the co-applicant Roshia stating their understanding that there will be impacts on their property and the extent of those impacts. 17. The applicant has provided a memorandum of agreement between Roshia and Plantier, stating the understanding that impacts within wetlands jurisdiction will be across property lines.

FORESTRY NOTIFICATION

2005-02934 GROVETON FISH & GAME CLUB INC, LESTER HILTON
NORTHUMBERLAND Unnamed Stream

COMPLETE NOTIFICATION:
Northumberland Tax Map R8, Lot# 1755

2005-02960 HILDRETH, DEBORAH
HOLLIS Unnamed Stream

COMPLETE NOTIFICATION:
Hollis Tax Map 17, Lot# 5 & 8

2005-02964 WESTOVER, BRYAN AND MARGARET
BOW Unnamed Stream

COMPLETE NOTIFICATION:

Bow Tax Map 29, Lot# 121

2005-02966 **BLUE SKY ENTERPRISES, INC**
MEREDITH **Unnamed Stream**

COMPLETE NOTIFICATION:
Meredith Tax MAp R29, Lot# 11

2005-02974 **DECAPRIO, VINCENT/JOHN/MARION**
WASHINGTON **Unnamed Stream**

COMPLETE NOTIFICATION:
Washington Tax Map 12, Lot# 38

2005-02976 **HERSEY, JAMES**
TUFTONBORO **Unnamed Stream**

COMPLETE NOTIFICATION:
Tuftonboro Tax Map 65, Lot# 1 & 2

2005-02984 **HILLS, CAROL**
SANBORTON **Unnamed Wetland**

2005-02985 **HIGHLAND FARM TRUST**
JACKSON **Unnamed Stream**

COMPLETE NOTIFICATION:
Jackson Tax Map R17, Lot# 18 & 25

2005-02992 **TRUST OF PUBLIC LAND**
ERROL **Unnamed Stream**

COMPLETE NOTIFICATION:
Errol Tax Map R4, Lot# 15

2005-02993 **SPRAGUE BROOK INC**
RICHMOND **Unnamed Stream**

COMPLETE NOTIFICATION:
Richmond Tax Map/Lot# 411/22, 414/39 & 4D/44

2005-02994 **MATREGANO JR TRUSTEE, RALPH**
RUMNEY **Unnamed Stream**

COMPLETE NOTIFICATION:

Rumney Tax Map 9, Lot# 1-11

**2005-02995 GPS PROPERTIES, GREGORY SCARLETT
DUNBARTON Unnamed Stream**

COMPLETE NOTIFICATION:

Dunbarton Tax Map C4, Lot# 1-6

**2005-02997 PLUM CREEK MAINE TIMBERLANDS LLC
CAMBRIDGE Unnamed Stream**

COMPLETE NOTIFICATION:

Cambridge Tax Map 1619, Lot# 1.2

**2005-02998 PLUM CREEK MAINE TIMBERLANDS LLC
WENTWORTHS LOCA Unnamed Stream**

COMPLETE NOTIFICATION:

Wentworth Location Tax Map 1628, Lot# 3

**2005-02999 TOWN OF LANCASTER
LANCASTER Unnamed Stream**

COMPLETE NOTIFICATION:

Lancaster Tax Map R5, Lot# 1

**2005-03001 MONADNOCK PAPER MILL TRUST, RICHARD VERNEY
HANCOCK Unnamed Stream**

COMPLETE NOTIFICATION:

Hancock Tax Map R16, Lot# 8A & 8B

**2005-03002 CONNECTICUT LAKES REALTY TRUST, C/O LYME TIMBER
PITTSBURG Unnamed Stream**

COMPLETE NOTIFICATION:

Pittsburg Tax Map 1-8, Lot# 26

**2005-03003 MONADNOCK PAPER MILL TRUST, C/O RICHARD VERNEY
ANTRIM Unnamed Stream**

COMPLETE NOTIFICATION:

Antrim Tax Map 1A, Lot# 31

**2005-03004 THOMSON, THOMAS & SHEILA
WENTWORTH Unnamed Stream**

COMPLETE NOTIFICATION:
Orford Tax Map 4-5, Lot# 5

**2005-03005 THOMSON, SHELIA
ORFORD Unnamed Wetland**

COMPLETE NOTIFICATION:
Orford Tax Map 7-30, Lot# 17

**2005-03006 BURKE, ROBERT
CLAREMONT Unnamed Stream**

COMPLETE NOTIFICATION:
Claremont Tax Map 184, Lot# 1 & 2

**2005-03007 THERRIEN, MICHAEL
CHICHESTER Unnamed Stream**

COMPLETE NOTIFICATION:
Chichester Tax Map 9, Lot# 99

**2005-03008 STOOPS, WILLIAM & SALLY
FREEDOM Unnamed Wetland**

COMPLETE NOTIFICATION:
Freedom Tax Map 9, Lot# 18

**2005-03009 RICHARD CREDIR SHELTER TRUST, WALTER
LYMAN Unnamed Stream**

COMPLETE NOTIFICATION:
Lyman Tax Map 53, Lot# 48

**2005-03011 DAVIS FAMILY TRUST
ROXBURY Unnamed Stream**

COMPLETE NOTIFICATION:
Roxbury Tax Map 1, Lot# 6

**2005-03012 BAIRD, PAUL
NEWPORT Unnamed Stream**

COMPLETE NOTIFICATION:

Newport Tax Map 11, Lot# 979

2005-03013 VAN HAM, HELEN
LYNDEBOROUGH Unnamed Stream

COMPLETE NOTIFICATION:

Lyndeboro Tax Map 11, Lot# 14,141,142 & 145

2005-03014 SOSHNIK, JEFFREY
SALISBURY Unnamed Stream

COMPLETE NOTIFICATION:

Salisbury Tax Map 246, Lot# 30.1

2005-03015 BAYVIEW FOREST & DEVELOPMENT LLC, BRIAN CONNELLY
ALTON Unnamed Stream

COMPLETE NOTIFICATION:

Alton Tax Map 14, Lot# 22

2005-03016 BAYROOT LLC, C/O WAGNER FOREST MGMT
SHELBURNE Unnamed Stream

COMPLETE NOTIFICATION:

Shelburne Tax Map 7, Lot# 59w

2005-03017 SNOW TRUST, ELIZABETH
EATON Unnamed Stream

COMPLETE NOTIFICATION:

Eaton Tax Map R10, Lot# 35

2005-03018 TULLY, JOE
RUMNEY Unnamed Stream

COMPLETE NOTIFICATION:

Rumney Tax Map 10-1, Lot# 2

2005-03019 LIPIN, ROBERT & EVELYN ELLIS
MASON Unnamed Stream

COMPLETE NOTIFICATION:

Mason Tax Map E, Lot# 30, 31, 32 & 36

2005-03020 GLADDING, ROBERT / NANCY
BENNINGTON Unnamed Stream

COMPLETE NOTIFICATION:
Bennington Tax Map 3, Lot# 20 & 25

2005-03021 GRAHAM TRUST, ELIZABETH
NEW LONDON Unnamed Stream

COMPLETE NOTIFICATION:
New London Tax Map 82, Lot# 25

2005-03022 HASTINGS, MILTON
NEWPORT Unnamed Stream

COMPLETE NOTIFICATION:
Newport Tax Map 58, Lot# 873

2005-03023 WILBER, DEAN
CONCORD Unnamed Stream

COMPLETE NOTIFICATION:
Concord Tax Map 118 & 120, Lot# 14 & 18

2005-03025 YANKEE CLIPPER COUNAL / BOY SCOUTS OF AMERICA
RAYMOND Unnamed Wetland

COMPLETE NOTIFICATION:
Raymond Tax Map 27, Lot# 4

2005-03036 SCHWAEGLER, BRUCE
ORFORD Unnamed Stream

COMPLETE NOTIFICATION:
Orford Tax Map 8-27, Lot# 1, 1A, 5, 11 & 25

EXPEDITED MINIMUM

2005-02581 MORSE, EDWARD & CHRISTINE
MEREDITH Unnamed Wetland

Requested Action:
Impact a total of 1163 square feet of palustrine forested wetland and 60 feet of intermittent stream for access in the proposed

residential subdivision of 9.96 acres into 3 single family residential lots, further described as follows: Permanently impact 980 square feet including the installation of two 15-inch culverts and temporarily impact 183 square feet of intermittent stream for utility placement.

APPROVE PERMIT:

Impact a total of 1163 square feet of palustrine forested wetland and 60 feet of intermittent stream for access in the proposed residential subdivision of 9.96 acres into 3 single family residential lots, further described as follows: Permanently impact 980 square feet including the installation of two 15-inch culverts and temporarily impact 183 square feet of intermittent stream for utility placement.

With Conditions:

1. All work shall be in accordance with plans by DMC Surveyors dated March 22, 2005, as received by the Department on November 28, 2005.
2. This permit is contingent on approval by the DES Subsurface Systems Bureau.
3. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
4. The deed which accompanies the sales transaction for each of the lots in this subdivision shall contain condition #3 of this approval.
5. Work shall be done during no flow.
6. Appropriate siltation/erosion controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized.
7. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
8. Proper headwalls shall be constructed within seven days of culvert installation.
9. Culvert outlets shall be protected in accordance with the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
10. Area of temporary impact shall be regraded to original contours following completion of work.
11. Seed mix within the restoration area shall be a wetland seed mix appropriate to the area and shall be applied in accordance with manufacturers specifications. The receipt and contents of the wetland mix shall be supplied to NHDES within 10 days of application.
12. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
13. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.
14. Silt fencing must be removed once the area is stabilized.
15. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
16. A post-construction report documenting the status of the restored jurisdictional area, including photographs shall be submitted to the Wetlands Bureau within 60 days of the completion of construction.

With Findings:

1. This is a minimum impact project per Administrative Rule Wt 303.04(f); projects involving alteration of less than 3,000 square feet in swamps or wet meadows; and Administrative Rule Wt 303.04(ae), installation of residential utility lines and associated temporary impacts to permit utility services for a single family building lot,
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.
5. The Meredith Conservation Commission signed this minimum impact application.

Requested Action:

Dredge and fill 2250 square feet including installation of a 48-inch arch culvert over a perennial stream for access in the two lot subdivision of approximately 57 acres.

APPROVE PERMIT:

Dredge and fill 2250 square feet including installation of a 48-inch arch culvert over a perennial stream for access in the two lot subdivision of approximately 57 acres.

With Conditions:

1. All work shall be in accordance with plans by FWS Land Surveying PLLC, dated November 1, 2005, as received by the Department on November 21, 2005.
2. This permit is contingent on approval by the DES Subsurface Systems Bureau.
3. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau.
4. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback on lot 6-2A.
5. The deed which accompanies the sales transaction for lot 6-2A in this subdivision shall contain condition #4 of this approval.
6. Prior to conducting any work on the remaining lot 6-2, the property owner shall have the entire lot delineated by a Certified Wetland Scientist.
7. The deed which accompanies the sales transaction for the remaining lot 6-2, in this subdivision shall contain condition #6 of this approval.
8. Any future work on lot 6-2, that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.
9. Appropriate siltation/erosion controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
10. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
11. Proper headwalls shall be constructed within seven days of culvert installation.
12. Culvert outlets shall be protected in accordance with the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
13. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

With Findings:

1. This is a minimum impact project per Administrative Rule Wt 303.04(f); Projects involving alteration of less than 3,000 square feet in swamps or wet meadows that are not in prime wetlands or do not meet the requirements of Wt 303.02(k), provided that no previous department permit has placed restrictions on the property of the applicant.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.
5. The conservation commission has no objections to the proposed project.

2005-02959 MACOMBER, CHARLES
CONWAY Unnamed Wetland

Requested Action:

Dredge and fill 200 square feet of wet meadow to install a 12-inch x 20-foot HDPE culvert for driveway access to a single lot of a 2 lot subdivision and install utility lines.

APPROVE PERMIT:

Dredge and fill 200 square feet of wet meadow to install a 12-inch x 20-foot HDPE culvert for driveway access to a single lot of a 2 lot subdivision and install utility lines.

With Conditions:

1. All work shall be in accordance with plans by H.E. Bergeron, P.A. dated December 13, 2005, as received by the Department on December 15, 2005.
2. This permit is contingent on Subsurface Systems Bureau approval.
3. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
4. The deed which accompanies the sales transaction for each of the lots in this subdivision shall contain condition #3 of this approval.
5. Work shall be done in dry conditions.
6. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to surface waters and wetlands.
7. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
8. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
9. Proper headwalls shall be constructed within seven days of culvert installation.
10. Culverts shall be laid at original grade.
11. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
12. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

With Findings:

1. This is a minimum impact project per Administrative Rule Wt 303.04(f), projects that alter less than 3,000 square feet of wet meadow.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.

GOLD DREDGE

2005-02996 OKESSON, ROBERT
(ALL TOWNS) Unnamed Stream

Conservation Commission/Staff Comments:
"cc: Bath Conservation Commission"

COMPLETE NOTIFICATION:
Gold Dredge

LAKES-SEASONAL DOCK NOTIF

2005-02991 DUKE, RONALD
WAKEFIELD Unnamed Wetland Pine River Pond

COMPLETE NOTIFICATION:
Wakefield NH Tax Map# 59 Lot# 9 PINE RIVER POND

PERMIT BY NOTIFICATION

2005-02841 LENFEST, H F
MEREDITH Unnamed Wetland

Requested Action:
Dredge and fill 50 square feet to replace a 12-inch culvert with an 18-inch x 24 foot culvert for access to an existing single family residence.

PBN IS COMPLETE:
Dredge and fill 50 square feet to replace a 12-inch culvert with an 18-inch x 24 foot culvert for access to an existing single family residence.

2005-02946 ROESCH, CHRISTIAN
SANBORTON Hermit Lake

Requested Action:
Repair/Replace a 6 ft x 14 ft permanent pier "in-kind".

PBN IS COMPLETE:
Repair/Replace a 6 ft x 14 ft permanent pier "in-kind".